REMARKS

Reconsideration and allowance of the claims are requested in view of the above amendments and the following remarks. Claims 1 and 17 have been amended. Support for the claim amendments may be found in the specification and claims as originally filed. No new matter has been added. Claims 9, 26 and 40 were previously canceled without prejudice or disclaimer.

Upon entry of this amendment, claims 1-8, 10-25, 27-39 and 41-47 will be pending in the present application, with claims 1, 17 and 30 being independent.

1. Rejections Under 35 U.S.C. §112

The Office Action rejects claims 1-8, 10-25 and 27-29 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse this rejection for at least the following reasons.

The Office Action on page 3 asserts that the phrase "may be" recited in independent claims 1 and 17 render the claims indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention.

Although applicants do not necessarily agree, for purposes of economy of prosecution claims 1 and 17 have been amended to replace the phrase "may be" with the words "are" and "is", respectively. Therefore, claims 1 and 17, as well as the claims dependent thereon, are allowable.

For at least the above reason, reconsideration and withdrawal of the rejection of claims 1-8, 10-25 and 27-29 under 35 U.S.C. §112 are respectfully requested.

2. Rejections Under 35 U.S.C. §103

A. Rejections Based on Microsoft and Massy

The Office Action rejects claims 1-7, 10-19, 21-25, 27, 29-39 and 41-47 under 35 U.S.C.

§103(a) as being unpatentable over "Dynamic HTML: The Next Generation of User Interface Design Using HTML" (hereinafter "Microsoft") in view of "Time Off for Good Behavior: DHTML Behaviors in Internet Explorer 5" (hereinafter "Massy"). Applicants respectfully traverse this rejection for at least the following reasons.

The Office Action on page 6 concedes that Microsoft does not specifically teach "wherein code for determining a behavior of the one or more elements contained in the document is not included in the document". However, the Office Action asserts that Massy teaches these features (citing pages 1-7). The rejection of all of the independent claims 1, 17 and 30, and therefore all of the dependent claims, is based at least in part on the combination of Microsoft and Massy.

Applicants note that since Massy is a non-patent literature publication that was published on March 18, 1999, or less than 1 year prior to the May 20, 1999, filing date of the present publication, the Massy publication qualifies as a 35 U.S.C. 102(a) reference for purposes of the rejection of the claims under 35 U.S.C. §103(a).

Applicants have filed herewith a Declaration under 37 CFR 1.132 (hereinafter the "Declaration") establishing that the Massy publication describes applicants' own work, thereby removing the Massy publication as a prior art reference. MPEP 2132.01 states:

> Applicant's disclosure of his or her own work within the year before the application filing date cannot be used against him or her under 35 U.S.C. 102(a).

Additionally, MPEP 715.01(c) states (emphasis added):

> Unless it is a statutory bar, a rejection based on a publication may be overcome by a showing that it was published either by applicant himself/herself or on his/her behalf.
>
> . . .
>
> II. DERIVATION
>
> When the unclaimed subject matter of a patent, application publication, or other publication is applicant's own invention, a rejection>, which is not a statutory bar, < on that patent or publication may be removed by submission of evidence establishing the fact that the patentee, applicant of the published

> application, or author derived his or her knowledge of the relevant subject matter from applicant. Moreover applicant must further show that he or she made the invention upon which the relevant disclosure in the patent, application publication, or other publication is based. *In re Mathews*, 408 F.2d 1393, 161 USPQ 276 (CCPA 1969); *In re Facius*, 408 F.2d 1396, 161 USPQ 294 (CCPA 1969).

Furthermore, MPEP 716.10 states (emphasis added):

> An uncontradicted "unequivocal statement" from the applicant regarding the subject matter disclosed in an article, patent, or published application will be accepted as establishing inventorship. *In re DeBaun*, 687 F.2d 459, 463, 214 USPQ 933, 936 (CCPA 1982).

The Declaration is believed to establish sufficient facts to remove the Massy publication as prior art. Specifically, the Declaration establishes that the Massy publication was published by a co-inventor of the present application, David H. Massy.

Additionally, the Declaration establishes that David H. Massy derived his knowledge of the subject matter of the Massy publication from his work as a co-inventor of the present application.

Furthermore, the Declaration establishes that David H. Massy is a co-inventor of the invention upon which the Massy publication is based. Specifically, the Declaration provides an uncontradicted "unequivocal statement" from co-inventor David H. Massy regarding the subject matter disclosed in the Massy publication, which should be accepted as establishing inventorship under MPEP 716.10.

The Declaration is being submitted prior to a final rejection, and therefore, is timely (see MPEP 716.01).

For at least the reasons above, the Massy publication has been removed as a prior art reference. Therefore, the rejection of the claims 1-7, 10-19, 21-25, 27, 29-39 and 41-47 under 35 U.S.C. §103(a) as being unpatentable over Microsoft in view of Massy is overcome.

Reconsideration and withdrawal of the rejection of claims 1-7, 10-19, 21-25, 27, 29-39

and 41-47 under 35 U.S.C. §103(a) are respectfully requested.

B. Rejections Based on Microsoft, Massy and Wang et al.

The Office Action rejects claims 8, 20 and 28 under 35 U.S.C. §103(a) as being unpatentable over Microsoft in view of Massy, and further in view of "Customization of Distributed Systems Using COM" (hereinafter "Wang et al."). Applicants respectfully traverse this rejection for at least the following reasons.

As discussed above, the Massy publication has been removed as a prior art reference. Therefore, the rejection of the claims 8, 20 and 28 under 35 U.S.C. §103(a) as being unpatentable over Microsoft in view of Massy and further in view of Wang et al. is overcome.

For at least the above reasons, reconsideration and withdrawal of the rejection of claims 8, 20 and 28 under 35 U.S.C. §103(a) are respectfully requested.

3. Conclusion

Accordingly, in view of the above amendments and remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration and reexamination of the present application is requested. Based on the foregoing, applicants respectfully request that the pending claims be allowed, and that a timely Notice of Allowance be issued in this case. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the applicants' attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,

Microsoft Corporation

Date: October 28, 2008

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CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being electronically deposited with the USPTO via EFS-Web on the date shown below:

October 28, 2008
Date

/Noemi Tovar/
Noemi Tovar